

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Greg Linden

Application No.: 09/538,679

Filed: March 30, 2000

For: **AUTOMATICALLY IDENTIFYING SIMILAR
PURCHASING OPPORTUNITIES**

Confirmation No.: 8745

Group Art Unit: 3627

Examiner: Cuff, Michael A.

Docket No. 170101-1400
(formerly 249678021US)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

With respect to the statement of reasons for allowance, the Examiner stated:
"See Board decision, 1/17/08." While Applicant concurs that the art of record does not show or suggest the elements of the claims discussed in the Decision of the Board of January 17, 2008 in this case, Applicant asserts that the claims also recite other elements that are not shown or suggested in the art of record. To this end, Applicant asserts that the present claims are allowable for at least the reason that the art of record does not show or suggest all of the recited elements of the claims.

Second, in accordance with 35 U.S.C. Section 282: "Each claim of a patent, whether in independent, dependent, or multiple dependent form, shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim." Thus, any dependent claims that are not addressed in the Decision of the Board of January

17, 2008 should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Third, the scope and validity of each claim, whether in independent, dependent, or multiple dependent form, should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features addressed in the Decision of the Board of January 17, 2008.

Respectfully submitted,

/Michael J. D'Aurelio/

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